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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,392	10/20/2003	William C. Dodge	81070/7400	3760

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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT PAPER NUMBER

2176

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/690,392

Applicant(s)

DODGE, WILLIAM C.

Examiner

Doug Hutton

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 3, 12 and 15-17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


Doug Hutton
Primary Examiner
Art Unit: 2176

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues that Microsoft Project fails to disclose "limiting displaying of tasks that is outside of the selected set of data only to those tasks that are associated with at least one of the plurality of tasks within the selected set of data" because Microsoft Project displays tasks only when the subproject to which they belong is selected. See Response -- Page 6, third paragraph. The examiner disagrees.

Firstly, the claim recites only a single "task" that is "outside the selected set of data" (see Claim 1, Line 5). Thus, amending the claim to recite that the "display of the task" is limited to "only those tasks" that are associated with one of the tasks within the selected set of data does not correspond with the previously recited limitations.

Secondly, this proposed amendment still reads on Marmel in that only "external" tasks that are linked to the subproject by the user, and thus associated with one of the tasks in the selected set of data, are displayed when the subproject is open.

Applicant argues that Microsoft Project fails to disclose displaying only certain tasks associated with the tasks within the selected set of data because Microsoft Project displays all of the tasks within a selected subproject. See Response -- Page 6, third paragraph. The examiner disagrees.

Firstly, as previously indicated, the proposed amendment does not correspond with the previously recited limitations of the claim.

Secondly, the proposed amendment is worded awkwardly and does not appear to recite that only "certain tasks" associated with the selected data are displayed. Rather, the proposed amendment recites that the display of "external" tasks are limited to those tasks that are associated with at least one of the "internal" tasks within the selected set of data. In Marmel, all of the "external" tasks that are displayed are associated with at least one of the "internal" tasks of the displayed subproject.

In regard to the new claims, the examiner notes that Claims 19 and 21 are very similar to the original version of Claim 1, and Claim 20 is very similar to the proposed amendment for Claim 1.

Continuation of 13. Other:

In regard to Applicant's argument that the Final Rejection was premature because the examiner used different parts of the previously-cited book to reject the amended claim, the examiner notes that the book has been in the record since the first rejections were set forth. Additionally, the book is simply a "how-to" manual for users of Microsoft Project, which is very old prior art. It is true that the examiner has not copied each of the hundreds of pages in the book and mailed them to Applicant. Nonetheless, the entire book is part of the record in the present application. Thus, the finality of the Office Action was proper.